



IFW
PATENT
2504-1159

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Sergio RESTELLI et al.

Conf. 6662

Application No. 10/522,891

Group 3767

Filed February 1, 2005

Examiner Sonal Prasad

SAFETY CATHETER

**PETITION UNDER 37 CFR §1.181 TO WITHDRAW
THE HOLDING OF ABANDONMENT**

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 21, 2006

Sir:

Withdrawal of the holding of abandonment in the above-identified application pursuant to 37 CFR §1.181 is respectfully requested for the following reasons:

A non-final Official Action was mailed out on October 14, 2005. A responsive amendment was timely filed on January 17, 2006, as the 14th was a Saturday, and the 16th a federal holiday. The amendment unfortunately contained a typographical error in the application serial number as it mentioned 10/552,891 rather than 10/522,891.

A review of the Patent Application Information Retrieval (PAIR) system reveals that applicants' timely amendment has yet to be matched to the application. Thus, the USPTO considers the present application abandoned.

Section 503 of the Manual of Patent Examining Procedure (MPEP) clearly states that a postcard receipt which

itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the United States Patent and Trademark Office of all the items listed thereon, on the date stamped thereon by the United States Patent and Trademark Office.

A careful review of the accompanying postcard receipt (Exhibit A), which contains sufficient identifying data, including applicants' names, confirmation number, group art unit, Examiner's name and title of the invention reveals that on January 17, 2006, a response to the Official Action of October 14, 2005 indeed was filed. Although the amendment and postcard both contained the wrong application number of 10/552,891 and not 10/522,891, it is respectfully submitted that the timely amendment contained sufficient identifying information (applicants' names, confirmation number, group art unit, Examiner's name and title of the invention) to enable the USPTO to match the timely amendment to the correct application serial number.

Since the postcard receipt bears the United States Patent and Trademark Office mail room stamp of January 17, 2006, it is respectfully requested that the holding of abandonment be withdrawn, and that the application be forwarded to the Examiner for consideration of applicants' response which was timely filed on January 17, 2006.

A corrected copy of the complete response which was previously filed on January 17, 2006, and which was apparently

filed with the wrong application serial number accompanies this
petition.

Respectfully submitted,

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